

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair; Carol Fukunaga, Vice-Chair;
Ikaika Anderson, Michael Formby, Ron Menor, Heidi Tsuneyoshi

Committee Meeting Held
March 28, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Zoning and Housing, which considered Bill 79 (2018), CD1 entitled:

**"A BILL FOR AN ORDINANCE RELATING TO DETACHED
DWELLINGS,"**

which passed Second Reading and was the subject of a Public Hearing held at the December 5, 2018 Council meeting, reports as follows:

The purpose of Bill 79 (2018), CD1 is to address the problem of the illegal use of large residential structures in residential districts.

At your Committee's meeting on March 28, 2019, the Acting Director of the Department of Planning and Permitting ("DPP") testified that the DPP supports Bill 80 (2018), which is the DPP's proposed alternative to Bill 79 (2018), and does not support certain additional regulations proposed in Bill 79 (2018), CD1.

The Outdoor Circle, Malama Manoa, the Building Industry Association of Hawaii, and one individual testified in support of the Bill. Hawaii Good Neighbor and one individual offered comments on the Bill.

Written testimonies were received from 87 individuals in support of, and two individuals in opposition to the Bill.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

APR 17 2019

COMMITTEE REPORT NO. **94**

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Your Committee prepared a CD2 version of the Bill, which makes the following amendments:

- A. Deletes SECTION 2 of the Bill, which amended Table 21-3.2 ("Residential Districts Development Standards") to increase the minimum lot area required for two-family detached dwellings and duplexes in the R-5 District. Renumbers subsequent SECTIONS.
- B. In Section 21-3.70-1(c)(3)(A), increases the proposed maximum density (FAR) from 0.6 to 0.7.
- C. In Section 21-3.70-1(c)(3)(D), relating to the number of bathrooms allowed:
 - 1. Removes the lot size category of "up to 4,999" square feet; and
 - 2. Clarifies the number of bathrooms to make clear that two 0.5 bathrooms cannot be substituted for one bathroom.
- D. Adds a new Section 21-3.70-1(c)(3)(E), which provides that the conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless it is specifically allowed under a valid building permit.
- E. Adds a new Section 21-3.70-1(c)(3)(F), which provides that the conversion of a portion of a structure that is excluded from the floor area calculation to a portion of a structure that is included in the floor area calculation is prohibited unless it is specifically allowed under a valid building permit and complies with the applicable standards of Section 21-3.70(c)(3).

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- F. Adds a new Section 21-3.70-1(c)(3)(H), which provides that when the FAR exceeds 0.6, the following additional standards apply:
1. Eight-foot side and rear yards;
 2. Each dwelling unit must be owner-occupied;
 3. Issuance of a temporary certificate of occupancy, effective for a period of one year after issuance, during which period additional inspections may be conducted by the department.
- G. In new Section 21-3.70-1(c)(3)(H)(ii), requires that each dwelling unit in the detached dwelling or duplex to be owner-occupied, and requires the occupant to deliver to the DPP evidence of a real property tax home exemption for the subject property (instead of the execution of an affidavit).
- H. In Table 21-6.1 relating to off-street parking, requires 2 off-street parking stalls per unit plus 1 per 750 (instead of 500) square feet over 2,500 square feet (excluding carport or garage). Revises the way the requirements are presented to list the number of parking spaces required based on floor area.
- I. Deletes SECTION 4 of the Bill, relating to the design and arrangement of off-street parking.
- J. Amends the definition of "bathroom" to mean a room that is equipped for taking a bath or shower, and that includes either a sink or toilet, or both (instead of a sink and toilet).

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K. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Zoning and Housing is in accord with the intent and purpose of Bill 79 (2018), CD1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 79 (2018), CD2. (Ayes: Pine, Anderson, Fukunaga, Menor, Tsuneyoshi – 5; Ayes with reservations: None; Noes: None; Excused: Formby - 1.)

Respectfully submitted,


Committee Chair

At the 4/17/19 Council meeting, the Bill was further amended and subsequently passed Third Reading as Bill 79 (2018), CD2, FD1.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON APR 17 2019

COMMITTEE REPORT NO. 94



A BILL FOR AN ORDINANCE

RELATING TO DETACHED DWELLINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to address the problem of the illegal use of large residential structures in residential districts.

Today's residential development standards have been in place and, for the most part, remained unchanged since the late 1960s.

The City Council finds that additional development standards that are consistent with the purpose and intent of the Land Use Ordinance are necessary to preserve and protect the character and livability of our residential areas, to conserve the beauty and historic character of our neighborhoods, to reduce storm water runoff into our coastal waters, to cool our communities, to address climate change, and to minimize impacts to existing infrastructure.

A select number of new regulations may also curb the growing problem of regulatory abuses and significant negative impacts to our neighborhoods, while leaving much of the existing development standards in place to encourage orderly development. These amendments to the Land Use Ordinance are intended to allow for one-family and two-family households, but not negatively impact the ability of extended families or multigenerational households to build homes in the residential districts.

Residential zoning lots with large detached dwellings that are covered in concrete surfaces from property line to property line increase storm water runoff and raise ambient temperatures. These large structures are also incongruous with the historic and aesthetic integrity of established neighborhoods. The risks associated with large detached dwellings with many occupants include adverse effects on municipal sewage systems, street parking availability, and public safety.



A BILL FOR AN ORDINANCE

SECTION 2. Section 21-3.70-1, Revised Ordinances Honolulu 1990 ("Residential uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) Additional Development Standards.

(1) **Maximum Height.** The maximum height of structures ~~[shall be]~~ is determined by the building envelope created as the result of the intersection of two planes. The first plane ~~[shall be]~~ is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane ~~[shall run]~~ runs parallel to grade, as described in Section 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope ~~[shall be]~~ is determined by the first plane (see Figure 21-3.10).

(2) **Height Setbacks.**

(A) Any portion of a structure exceeding 15 feet ~~[shall]~~ must be set back from every side and rear buildable area boundary line one foot for each two feet of additional height over 15 feet (see Figure 21-3.10); and

(B) Any portion of a structure exceeding 20 feet ~~[shall]~~ must be set back from the front buildable area boundary line one foot for every two feet of additional height over 20 feet.

(3) For zoning lots with one-family or two-family detached dwellings or duplexes:

(A) The maximum density is a floor area ratio of 0.7.

(B) The number of wet bars on one zoning lot must not exceed the following:

<u>Lot size (square feet)</u>	<u>Number of wet bars cannot exceed:</u>
<u>Up to 9,999</u>	<u>1</u>
<u>10,000 and up</u>	<u>2</u>

(C) The number of laundry rooms in each dwelling unit must not exceed one.



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- (D) The number of bathrooms on one zoning lot must not exceed the following:

<u>Lot size (square feet)</u>	<u>Number of bathrooms cannot exceed:</u>
<u>Up to 5,999</u>	<u>4 and one 0.5 bathroom</u>
<u>6,000 to 6,999</u>	<u>5 and one 0.5 bathroom</u>
<u>7,000 to 7,999</u>	<u>6 and one 0.5 bathroom</u>
<u>8,000 to 8,999</u>	<u>7 and one 0.5 bathroom</u>
<u>9,000 to 9,999</u>	<u>8 and one 0.5 bathroom</u>
<u>10,000 and up</u>	<u>9 and one 0.5 bathroom</u>

The number of bathrooms on one zoning lot must not under any circumstances exceed 9 and one 0.5 bathroom.

- (E) The conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.
- (F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to Section 21-10.1 to a portion of the structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.
- (G) The impervious surface area of a zoning lot cannot exceed 75 percent of the total zoning lot area.
- (H) If the floor area ratio exceeds 0.6, the following additional standards apply:
- (i) The side and rear yards must be at least eight feet.



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- (ii) Each dwelling unit in the detached dwelling or duplex must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property.
- (iii) Subsequent inspections.
 - (aa) Upon the completion of construction and the determination by the department that the detached dwelling or duplex complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of one year after issuance;
 - (bb) During the one-year period that a temporary certificate of occupancy is in effect, the department may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the detached dwelling or duplex to confirm that it is in the same structural form as when the temporary certificate of occupancy was issued; and
 - (cc) At the end of the one-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the detached dwelling or duplex and close the building permit."



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SECTION 3. Table 21-6.1, Revised Ordinances of Honolulu 1990 ("Off-street Parking Requirements"), is amended by amending the "Dwellings, detached, duplex and farm" use entry in the "Dwellings and Lodgings" category to read as follows:

"

Table 21-6.1 Off-street Parking Requirements	
Use ¹	Requirement ²

DWELLINGS AND LODGINGS

Dwellings, detached, duplex and farm	<p>[2 per unit plus 1 per 1,000 square feet over 2,500 square feet (excluding carport or garage)]</p> <p><u>Excluding carport or garage areas:</u></p> <p><u>2 per unit up to 3,249 square feet</u></p> <p><u>3 per unit from 3,250 to 3,999 square feet</u></p> <p><u>4 per unit from 4,000 to 4,749 square feet</u></p> <p><u>1 additional for each 750 square feet over 4,000 square feet.</u></p>
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SECTION 4. Section 21-10.1, Revised Ordinances Honolulu 1990 ("Definitions"), is amended by adding definitions of "bathroom," "impervious surface," "laundry room," and "wet bar" to read as follows:

"Bathroom" means a room that is equipped for taking a bath or shower, and that includes either a sink or toilet, or both. A 0.5 bathroom means any room that is equipped with a sink or toilet, or both, but is not equipped with a bath or shower.

"Impervious surface" means materials placed on the ground that water cannot easily penetrate, such as concrete, masonry, brick, metal, paving, and asphalt. This definition would include "covered" impervious surfaces.

"Laundry room" means a utility room in a dwelling unit that is used for washing and cleaning clothes and other fabrics, and which contains items such as a washing machine, utility sink, and clothes dryer.

"Wet bar" means a serving counter in a dwelling or lodging unit that is equipped with small single compartment sink that is not a part of a kitchen, bathroom, or laundry room."



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **79 (2018), CD2**

A BILL FOR AN ORDINANCE

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **79 (2018), CD2**

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

November 7, 2018
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

Mayor
City and County of Honolulu